

REMARKS

In response to the restriction requirement, Applicants hereby elect Group I (modified; see below), with traverse.

I. STATEMENT REGARDING INTERVIEW UNDER 37 C.F.R. § 1.133(B)

In a telephone interview on April 6, 2010, between Examiner Stockton, and attorney for the applicants, Rouget Henschel, the Examiner agreed to modification of Group I to define R6 and R7 as heteroaryl. The substance of the interview is set forth in more detail below.

II. ELECTION

Applicants elect Group I, claims 1-12, drawn to a products of formula I of claim 1 wherein A-B-B' is CO-NH, CO-NCH₃ or CO-NR*; R¹ is aryl; each W is a bond; and one of R6 and R7 is heteroaryl (*see below Statement of Substance of Interview regarding change of R6 and R7 from pyridyl to heteroaryl*).

Absent withdrawal of the restriction requirement, Applicants reserve the right to file a divisional application to pursue the non-elected claims.

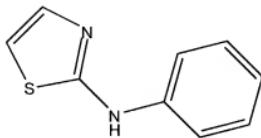
III. TRAVERSE

Applicants respectfully traverse the Restriction Requirement.

First, the Office has indicated no sound basis for considering it a serious burden to searching and examining Group IV together with Group I. As noted in the Manual of Patent Examining Procedure, restriction is improper unless “[t]here would be a serious burden on the examiner if restriction is not required” (M.P.E.P. § 803.1). On that basis Applicants request immediate rejoinder of Group IV.

Second, the Office’s stated basis for restriction is erroneous. The Office cited CA 36:44122 for its disclosure of 2-anilino-thiazole (CA Reg. No. 33142-16-6) and concludes that the phenylaminothiazolyl moiety common to the claimed compounds defines no contribution over the prior art. Office Action, page 4, lines 4-12.

The Office has not shown, however, how the cited compound 2-anilino-thiazole falls within the scope of the claims. The structure of appears below:



2-anilino-thiazole

Applicants note that in claim 1, A is defined as "CH₂, O, S, SO₂, CO, or COO". The remaining claims all depend directly or indirectly from claim 1.

Consequently, the cited reference CA 36:44122 cannot be relevant to unity of invention.

For the above reasons, Applicants request withdrawal of the Restriction Requirement, at least in part with respect to Group IV.

IV. CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the restriction requirement for the claims as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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